

As Introduced

125th General Assembly
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H. B. No. 231

Representatives Niehaus, Seitz, McGregor, Barrett, Kearns, Husted, Setzer,
Collier, Webster, Carano, Allen, Aslanides, Carmichael, Strahorn, Daniels

A B I L L

To amend sections 319.281, 521.01, 3709.085, 3709.09, 1
3709.091, 4736.01, 5302.30, and 6111.04 and to 2
enact sections 3718.01 to 3718.11 and 3718.99 of 3
the Revised Code to revise the definition of 4
"household sewage treatment system" for purposes 5
of the regulation of those systems by boards of 6
health, to require the Public Health Council to 7
adopt rules governing those systems, to create the 8
Household Sewage Treatment System Technical 9
Advisory Committee to review and approve new 10
systems, to require the transferor of real 11
property that is served by a household sewage 12
treatment system to provide operation and 13
maintenance information on the system at the same 14
time that the transferor provides a real property 15
disclosure form, and to establish other 16
requirements governing household sewage treatment 17
systems. 18

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 319.281, 521.01, 3709.085, 3709.09, 19
3709.091, 4736.01, 5302.30, and 6111.04 be amended and sections 20

3718.01, 3718.02, 3718.03, 3718.04, 3718.05, 3718.06, 3718.07, 21
3718.08, 3718.09, 3718.10, 3718.11, and 3718.99 of the Revised 22
Code be enacted to read as follows: 23

Sec. 319.281. The county auditor shall place on the general 24
tax list and duplicate compiled in accordance with section 319.28 25
of the Revised Code the amount certified by the health 26
commissioner of a city or general health district pursuant to 27
section 3709.091 of the Revised Code of any unpaid operation 28
permit or inspection fee for a household sewage ~~disposal~~ treatment 29
system or any other unpaid fee levied under Chapter 3718. of the 30
Revised Code and any accrued late payment penalties, together with 31
any fee charged by the county auditor for placing the amount on 32
the general tax list and duplicate and for the expenses of its 33
collection. The amount placed on the general tax list and 34
duplicate shall be a lien on the real property on which the 35
household sewage ~~disposal~~ treatment system is located from the 36
date the amount was placed on the tax list and duplicate, and 37
shall be charged and collected in the same manner as taxes on the 38
list. 39

Sec. 521.01. (A) As used in this chapter, "private sewage 40
collection tile" means any tile, ditch, pipe, or other improvement 41
installed by a private person to receive and convey sewage and 42
sewage effluent from at least five household sewage ~~disposal~~ 43
treatment systems, as those systems are defined ~~in rules adopted~~ 44
~~by the public health council under~~ in section ~~3701.34~~ 3718.01 of 45
the Revised Code. 46

(B) A board of township trustees may maintain and repair 47
private sewage collection tiles located within a township road 48
right-of-way in the township, where the expenditure from the 49
township general fund for materials to maintain and repair the 50

tiles does not exceed two hundred dollars for any one project. No 51
maintenance or repair shall be performed that is paid for from the 52
township general fund under this division until the board adopts a 53
resolution authorizing the maintenance or repair. If material 54
costs would exceed two hundred dollars, the board may proceed 55
under ~~sections 521.02 to 521.07 of the Revised Code~~ this chapter 56
to maintain and repair the tiles by assessing the cost against 57
property based on the special benefits the property receives from 58
the project. 59

Sec. 3709.085. (A) The board of health of a city or general 60
health district may enter into a contract with any political 61
subdivision or other governmental agency to obtain or provide all 62
or part of any services, including, but not limited to, 63
enforcement services, for the purposes of Chapter 3704. of the 64
Revised Code, the rules adopted and orders made pursuant thereto, 65
or any other ordinances or rules for the prevention, control, and 66
abatement of air pollution. 67

(B)(1) As used in division (B)(2) of this section: 68

(a) "Semipublic disposal system" means a disposal system that 69
treats the sanitary sewage discharged from publicly or privately 70
owned buildings or places of assemblage, entertainment, 71
recreation, education, correction, hospitalization, housing, or 72
employment, but does not include a disposal system that treats 73
sewage in amounts of more than twenty-five thousand gallons per 74
day; a disposal system for the treatment of sewage that is exempt 75
from the requirements of section 6111.04 of the Revised Code 76
pursuant to division (F)~~(6)~~(7) of that section; or a disposal 77
system for the treatment of industrial waste. 78

(b) Terms defined in section 6111.01 of the Revised Code have 79
the same meanings as in that section. 80

(2) The board of health of a city or general health district 81

may enter into a contract with the environmental protection agency 82
to conduct on behalf of the agency inspection or enforcement 83
services, for the purposes of Chapter 6111. of the Revised Code 84
and rules adopted thereunder, for the disposal or treatment of 85
sewage from semipublic disposal systems. The board of health of a 86
city or general health district may charge a fee established 87
pursuant to section 3709.09 of the Revised Code to be paid by the 88
owner or operator of a semipublic disposal system for inspections 89
conducted by the board pursuant to a contract entered into under 90
division (B)(2) of this section, except that the board shall not 91
charge a fee for those inspections conducted at any manufactured 92
home park, recreational vehicle park, recreation camp, or combined 93
park-camp that is licensed under section 3733.03 of the Revised 94
Code. 95

Sec. 3709.09. (A) The board of health of a city or general 96
health district may, by rule, establish a uniform system of fees 97
to pay the costs of any services provided by the board. Fees for 98
services provided by the board for purposes specified in sections 99
3701.344, 3711.05, 3718.06, 3730.03, 3733.04, 3733.25, and 3749.04 100
of the Revised Code shall be established in accordance with rules 101
adopted under division (B) of this section. The district advisory 102
council, in the case of a general health district, and the 103
legislative authority of the city, in the case of a city health 104
district, may disapprove any fee established by the board of 105
health under this division, and any such fee, as disapproved, 106
shall not be charged by the board of health. 107

(B) The public health council shall adopt rules under section 108
111.15 of the Revised Code that establish fee categories and 109
uniform methodologies for use in calculating the costs of services 110
provided for purposes specified in sections 3701.344, 3711.05, 111
3718.06, 3730.03, 3733.04, 3733.25, and 3749.04 of the Revised 112
Code. In adopting the rules, the public health council shall 113

consider recommendations it receives from advisory boards 114
established either by statute or the director of health for 115
entities subject to the fees. 116

(C) At least thirty days prior to establishing a fee for a 117
service provided by the board for a purpose specified in section 118
3701.344, 3711.05, 3718.06, 3730.03, 3733.04, 3733.25, or 3749.04 119
of the Revised Code, a board of health shall notify any entity 120
that would be affected by the proposed fee of the amount of the 121
proposed fee. 122

Sec. 3709.091. (A) As used in this section: 123

(1) "Household sewage ~~disposal~~ treatment system" means any 124
sewage ~~disposal~~ or treatment system, or part ~~thereof~~ of such a 125
system, ~~for a single family, two family, or three family dwelling~~ 126
that is installed on a single parcel of land and that receives not 127
more than two thousand five hundred gallons of sewage per day. 128

(2) "Sewage" means any liquid waste containing animal or 129
vegetable matter in suspension or solution from water closets, 130
urinals, lavatories, bathtubs, laundry tubs or devices, ~~floor~~ 131
~~drains, drinking fountains,~~ or other sanitary fixtures, and may 132
include ~~liquid~~ liquids containing chemicals in solution. 133

(B) If any owner, leaseholder, or assignee of real property 134
fails to pay a fee as required by rule of a board of health of a 135
city or general health district pursuant to section 3709.09 of the 136
Revised Code for an operation permit for, or for inspection of, a 137
household sewage ~~disposal~~ treatment system located on the real 138
property, the health commissioner of the city or general health 139
district or the commissioner's designated representative shall 140
notify the owner, leaseholder, or assignee of the real property of 141
the amount of the fee and any accrued penalties for late payment 142
of the fee. The notice shall state, in boldface letters: "You have 143
30 days to object to the amount of the unpaid operation permit or 144

inspection fee for your household sewage ~~disposal~~ treatment system 145
as designated in this notice, which may include accrued penalties 146
for late payment of the fee. If you do not pay this amount as 147
instructed herein within 30 days of receipt of this notice or 148
object to this amount during that time period in accordance with 149
the procedures set forth herein, the amount will be placed as a 150
lien on your real property." The notice also shall explain how the 151
owner, leaseholder, or assignee may pay the amount, or object to 152
the amount in accordance with the procedures established by 153
divisions (C) and (D) of this section. 154

Notice to the owner, leaseholder, or assignee shall be made 155
by either of the following: 156

(1) Certified mail, overnight delivery service, hand 157
delivery, or any other method that includes written evidence of 158
receipt; 159

(2) The sheriff of the county in which the owner, 160
leaseholder, or assignee to be served resides, in one or more of 161
the methods provided in the Ohio Rules of Civil Procedure. The 162
sheriff may charge reasonable fees for ~~such~~ that service. 163

(C) Not later than thirty days after receipt under division 164
(B) of this section of notification of the amount of an unpaid 165
operation permit or inspection fee and any accrued late payment 166
penalties, the owner, leaseholder, or assignee may object to the 167
amount by delivering a written notice of objection to the health 168
commissioner by any of the means provided for in division (B)(1) 169
of this section. Not later than sixty days after receipt of the 170
notice of objection, the county prosecutor, on behalf of the city 171
or general health district, may file a civil action in the court 172
of common pleas against the owner, leaseholder, or assignee. If 173
the county prosecutor fails to commence suit within the sixty-day 174
period, or if the action is commenced, but dismissed with 175
prejudice before adjudication, the unpaid fee and any accrued late 176

payment penalties are void and cannot be placed on the general tax 177
list and duplicate as a lien against the real property. 178

(D) If, in accordance with division (C) of this section, the 179
owner, leaseholder, or assignee objects to the amount of the 180
unpaid operation permit or inspection fee and any accrued late 181
payment penalties and the county prosecutor commences suit and 182
prevails in the action, the owner, leaseholder, or assignee 183
objecting shall pay the amount of the fee, any accrued late 184
payment penalties, and the costs of the action, as determined by 185
the court. 186

(E) If the owner, leaseholder, or assignee on which the 187
notice required by division (B) of this section was served does 188
not pay to the city or general health district the amount of an 189
unpaid operation permit or inspection fee and any accrued late 190
payment penalties within thirty days after receipt of the notice, 191
or does not object to the amount in the manner provided in 192
division (C) of this section, the health commissioner of the city 193
or general health district or the commissioner's designated 194
representative may certify, on or before the first Monday of 195
September, the amount of the unpaid fee and any accrued late 196
payment penalties to the county auditor to be placed on the 197
general tax list and duplicate as provided in section 319.281 of 198
the Revised Code. 199

Sec. 3718.01. As used in this chapter: 200

(A) "Alter" means to change by making substantive 201
replacements of, additions to, or deletions in the design or 202
materials or to change the location of an existing household 203
sewage treatment system. 204

(B) "Board of health" means the board of health of a city or 205
general health district or the authority having the duties of a 206
board of health in any city as authorized by section 3709.05 of 207

<u>the Revised Code.</u>	208
<u>(C) "Domestic septage" means the liquid or solid material</u>	209
<u>removed from a septic tank, cesspool, household sewage treatment</u>	210
<u>system or any component of a household sewage treatment system,</u>	211
<u>portable toilet, type III marine sanitation device as defined in</u>	212
<u>33 C.F.R. 159.3, or a similar household, noncommercial,</u>	213
<u>nonindustrial system.</u>	214
<u>(D) "Household sewage treatment system" means any sewage</u>	215
<u>treatment system, or part of such a system, that is installed on a</u>	216
<u>single parcel of land and that receives not more than two thousand</u>	217
<u>five hundred gallons of sewage per day.</u>	218
<u>(E) "Inspection" means the on-site evaluation or analysis of</u>	219
<u>the functioning of a household sewage treatment system.</u>	220
<u>(F) "Installer" means any person who engages in the business</u>	221
<u>of installing or altering or who, as an employee of another,</u>	222
<u>installs or alters any household sewage treatment system.</u>	223
<u>(G) "Manufacturer" means any person that manufactures</u>	224
<u>household sewage treatment systems or components of systems.</u>	225
<u>(H) "Person" has the same meaning as in section 1.59 of the</u>	226
<u>Revised Code and also includes any state, any political</u>	227
<u>subdivision of a state, and any department, division, board,</u>	228
<u>commission, agency, or instrumentality of a state or political</u>	229
<u>subdivision.</u>	230
<u>(I) "Sanitary sewerage system" means pipelines or conduits,</u>	231
<u>pumping stations, force mains, and all other constructions,</u>	232
<u>devices, appurtenances, and facilities that convey sewage to a</u>	233
<u>central sewage treatment plant and that are required to obtain a</u>	234
<u>permit under Chapter 6111. of the Revised Code.</u>	235
<u>(J) "Septage hauler" means any person who engages in the</u>	236
<u>collection, transportation, disposal, and land application of</u>	237

domestic septage.

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(K) "Service provider" means any person who services, but
does not install or alter, household sewage treatment systems.

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(L) "Sewage" means any liquid waste containing animal or
vegetable matter in suspension or solution from water closets,
urinals, lavatories, bathtubs, laundry tubs or devices, or other
sanitary fixtures and may include liquids containing chemicals in
solution.

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Sec. 3718.02. (A) Not later than one year after the effective
date of this section, the public health council, in accordance
with Chapter 119. of the Revised Code, shall adopt, and
subsequently may amend and rescind, rules of general application
throughout the state to administer this chapter. Rules adopted
under division (A) of this section shall do at least all of the
following:

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(1) Require that the appropriate board of health approve or
disapprove the use of a household sewage treatment system for any
single parcel of land if it is not connected to a sanitary
sewerage system;

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(2) Require that a board of health conduct a site evaluation
for any proposed installation of a household sewage treatment
system;

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(3) Prescribe standards for the siting, design, installation,
operation, monitoring, maintenance, and abandonment of household
sewage treatment systems. The standards shall include at a minimum
all of the following:

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(a) Soil absorption specifications;

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(b) Specifications for discharging systems;

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(c) Requirements for the maintenance of a system according to

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the manufacturer's instructions, if available; 267

(d) Requirements and procedures under which a person may 268
demonstrate the required maintenance of a system in lieu of having 269
an inspection conducted when an inspection otherwise is required. 270

(4) Prescribe procedures for notification to boards of health 271
of the approval of a household sewage treatment system or 272
components of a system by the technical advisory committee created 273
in section 3718.03 of the Revised Code; 274

(5) Prescribe criteria and procedures under which boards of 275
health shall issue installation and operation permits for 276
household sewage treatment systems. The rules shall require as a 277
condition of an installation permit that the installer of a system 278
must warrant that the system will pass the inspection required in 279
rules adopted under division (A)(6) of this section. In addition, 280
the rules shall require a board of health, not later than sixty 281
days after the issuance of an installation permit, to certify to 282
the director of health on a form provided by the director that the 283
permit was issued. 284

(6) Require a board of health to inspect a household sewage 285
treatment system not later than eighteen months after its 286
installation to ensure that the system is operating properly. The 287
rules shall require a board of health, not later than sixty days 288
after the inspection, to certify to the director on a form 289
provided by the director that the inspection was performed. 290

(7) Require a board of health to register installers, service 291
providers, and septage haulers that perform work within the health 292
district and prescribe criteria and procedures for the 293
registration; 294

(8) Prescribe requirements for the collection, 295
transportation, disposal, and land application of domestic septage 296
in this state from a household sewage treatment system; 297

(9) Require boards of health to maintain records that are 298
determined necessary to ascertain compliance with this chapter and 299
the rules adopted under it; 300

(10) Require a board of health and the manufacturer of a 301
system, when possible, to provide instructions for the operation 302
and maintenance of the system. The rules shall authorize the 303
instructions to be posted on a board of health's web site and the 304
manufacturer's web site. In addition, the rules shall require a 305
board of health and a manufacturer to provide a copy of the 306
operation and maintenance instructions, if available, when a board 307
of health or a manufacturer receives a written request for 308
instructions. 309

(11) Prescribe minimum criteria and procedures under which 310
boards of health may establish household sewage treatment district 311
management programs for the purpose of providing a responsive 312
approach toward preventing or solving sewage treatment problems 313
resulting from household sewage treatment systems within the 314
districts established under the program. For purposes of division 315
(A)(11) of this section, a board of health may enter into a 316
contract with any entity to administer a household sewage 317
treatment district management program. 318

The council may adopt other rules under division (A) of this 319
section that it determines are necessary to implement this chapter 320
and to protect the public health and welfare. 321

At least sixty days prior to adopting a rule under division 322
(A) of this section, the council shall provide boards of health an 323
opportunity to comment on the rule. 324

(B) In accordance with section 3709.20 or 3709.21 of the 325
Revised Code, as applicable, and subject to review by and approval 326
of the director under division (C) of section 3718.05 of the 327
Revised Code, a board of health may adopt rules necessary for the 328

public health providing for more stringent standards governing 329
household sewage treatment systems, installers, service providers, 330
or septage haulers than those established in rules of the public 331
health council adopted under division (A) of this section. A board 332
that intends to adopt such rules shall notify the department of 333
health of the rules at least ninety days prior to the proposed 334
date of adoption. The director shall approve or disapprove any 335
such proposed rule within ninety days after receiving notice of it 336
under this division. 337

Sec. 3718.03. (A) There is hereby created the household 338
sewage treatment system technical advisory committee consisting of 339
the director of health or the director's designee and ten members 340
who are knowledgeable about household sewage treatment systems and 341
technologies to be appointed by the director. Of the ten members 342
appointed by the director, one shall represent academia, two shall 343
represent the interests of manufacturers of household sewage 344
treatment systems, two shall represent site evaluators, 345
installers, and service providers, two shall represent health 346
commissioners, two shall be selected from among sanitarians from 347
boards of health, engineers from the division of surface water in 348
the environmental protection agency, and soil scientists from the 349
department of natural resources, and one shall be a representative 350
of the public who is not employed by the state or any of its 351
political subdivisions and who does not have a pecuniary interest 352
in household sewage treatment systems. All appointments to the 353
committee shall be made not later than sixty days after the 354
effective date of this section. 355

(B) Of the initial members appointed by the director to the 356
technical advisory committee, three shall be appointed for one 357
year, three shall be appointed for two years, and four shall be 358
appointed for three years. Thereafter, terms shall be for three 359

years, with each term ending on the same day of the same month as
did the term that it succeeds. Each member shall serve from the
date of appointment until the end of the term for which the member
was appointed.

Members may be reappointed. Vacancies shall be filled in the
same manner as provided for original appointments. Any member
appointed to fill a vacancy occurring prior to the expiration date
of the term for which the member was appointed shall hold office
for the remainder of that term. A member shall continue to serve
after the expiration date of the member's term until the member's
successor is appointed or until a period of sixty days has
elapsed, whichever occurs first. The director may remove a member
from the committee for failure to attend two consecutive meetings
without showing good cause for the absences.

(C) The director or the director's designee shall serve as
the chairperson of the technical advisory committee. The committee
annually shall select from among its members a vice-chairperson
and a secretary to keep a record of its proceedings. A majority
vote of the members of the committee is necessary to take action
on any matter. The committee may adopt bylaws governing its
operation, including bylaws that establish the frequency of
meetings.

(D) Serving as a member of the household sewage treatment
system technical advisory committee does not constitute holding a
public office or position of employment under the laws of this
state and does not constitute grounds for removal of public
officers or employees from their offices or positions of
employment. Members of the committee shall serve without
compensation for attending committee meetings.

(E) A member of the committee shall not have a conflict of
interest with the position. For the purposes of this division,

"conflict of interest" means the taking of any action that 391
violates any provision of Chapter 102. or 2921. of the Revised 392
Code. 393

(F) The household sewage treatment system technical advisory 394
committee shall do all of the following: 395

(1) Develop with the department of health standards and 396
guidelines for use in approving or disapproving a household sewage 397
treatment system or components of a system under section 3718.04 398
of the Revised Code; 399

(2) Develop with the department an application form to be 400
submitted to the director by an applicant for approval or 401
disapproval of a household sewage treatment system or components 402
of a system and specify the information that must be included with 403
an application form; 404

(3) Approve or disapprove an application sent to the 405
committee under section 3718.04 of the Revised Code requesting 406
approval of a household sewage treatment system or components of a 407
system. 408

(G) The department of health shall provide meeting space for 409
the committee. The committee shall be assisted in its duties by 410
the staff of the department of health. 411

(H) Sections 101.82 to 101.87 of the Revised Code do not 412
apply to the household sewage treatment system technical advisory 413
committee. 414

Sec. 3718.04. (A) A manufacturer seeking approval for the use 415
of a household sewage treatment system or a component of a system 416
in this state shall request an application form from the 417
department of health. The applicant shall complete the form and 418
include with it all of the information that is required by the 419
department and the household sewage treatment system technical 420

advisory committee. The applicant shall submit a completed
application and all required information to the director of
health.

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(B) Upon receipt of an application, the director shall
examine the application and all accompanying information to
determine if the application is complete. If the director
determines that the application is not complete, the director
shall notify the applicant not later than fourteen days after
determining that the application is not complete, provide a
description of the information that is missing from the
application, and return the application and all accompanying
information to the applicant. The applicant may resubmit the
application to the director. Not later than fourteen days after
receipt of a complete application, the director shall notify the
committee of the complete application and send the complete
application and all accompanying information to the committee for
approval or disapproval.

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(C) Not later than ninety days after receipt of a complete
application, the committee shall approve or disapprove the
application in writing. In approving or disapproving an
application, the committee shall use the standards and guidelines
that it developed with the department for that purpose. The
committee shall not approve an application that fails to comply
with those standards and guidelines.

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(D) If the committee approves an application under this
section, the committee shall notify the applicant in writing and
forward a copy of the approval to the department of health. The
committee also shall notify boards of health in accordance with
the procedures established in rules adopted under section 3718.02
of the Revised Code. If the committee disapproves an application
under this section, the committee shall notify the applicant in

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writing and provide a brief explanation for the disapproval.

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Sec. 3718.05. The director of health shall do all of the
following:

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(A) Administer and enforce this chapter and the rules of the
public health council adopted under it;

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(B) Examine records of boards of health, in accordance with
rules adopted by the council, that are determined necessary to
ascertain compliance with this chapter and rules adopted under it;

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(C) Review and approve or disapprove rules proposed by boards
of health under division (B) of section 3718.02 of the Revised
Code;

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(D) Survey boards of health as required by section 3718.08 of
the Revised Code;

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(E) Develop with the household sewage treatment system
technical advisory committee standards and guidelines for use by
the committee in approving or disapproving a household sewage
treatment system under section 3718.04 of the Revised Code and an
application form for use by applicants for that approval,
including identification of the information that must be included
with the form;

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(F) Provide instructions on the operation and maintenance of
a household sewage treatment system. The director shall provide
the operation and maintenance instructions on the department of
health's website. In addition, the director shall provide a copy
of the operation and maintenance instructions when the director
receives a written request for the instructions.

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Sec. 3718.06. (A)(1) A board of health shall establish fees
in accordance with section 3709.09 of the Revised Code for the
purpose of carrying out its duties under this chapter and rules

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adopted under it, including a fee for an installation permit
issued by the board. All fees so established and collected by the
board shall be deposited in a special fund of the district to be
used exclusively by the board in carrying out those duties.

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(2) In accordance with Chapter 119. of the Revised Code, the
public health council may establish by rule a fee to be collected
from applicants for installation permits issued under rules
adopted under this chapter. The director of health shall use the
proceeds from that fee for administering and enforcing this
chapter and the rules adopted under it by the council. A board of
health shall collect the fee at the same time that it collects the
fee established by it under division (A)(1) of this section for
installation permits.

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Not later than sixty days after the last day of the month in
which an installation permit is issued, a board shall certify the
amount collected under division (A)(2) of this section and
transmit the amount to the treasurer of state. All money so
received shall be deposited in the state treasury to the credit of
the household sewage treatment system fund created in section
3718.07 of the Revised Code.

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(B) The director may submit recommendations to the council
regarding the amount of the fee collected under division (A)(2) of
this section for installation permits. When making the
recommendations, the director shall submit a report stating the
current and projected expenses of administering and enforcing this
chapter and the rules adopted under it by the council and the
total of all money that has been deposited to the credit of the
household sewage treatment system fund under division (A)(2) of
this section. The director may include in the report any
recommendations for modifying the requirements established under
this chapter and the rules adopted under it by the council.

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Sec. 3718.07. There is hereby created in the state treasury 512
the household sewage treatment system fund. The fund shall consist 513
of all money deposited into it under division (A)(2) of section 514
3718.06 of the Revised Code. The money in the fund shall be used 515
by the department of health solely for administering and enforcing 516
this chapter and the rules adopted under it by the public health 517
council. 518

Sec. 3718.08. The director of health shall survey each city 519
and general health district at least once every three years to 520
determine whether there is substantial compliance with the 521
requirements of this chapter pertaining to health districts and 522
the applicable rules adopted by the public health council under 523
this chapter. Upon determining that there is substantial 524
compliance, the director shall place the district on an approved 525
list. The director may resurvey an approved district if it is 526
determined by the director to be necessary and may remove from the 527
list a district that is found not to be substantially complying 528
with the requirements of this chapter pertaining to health 529
districts and the applicable rules. 530

If the director determines that a district is not eligible to 531
be placed on the approved list or to continue on the list after a 532
resurvey, the director shall certify that determination to the 533
board of health, and the director shall carry out the duties of 534
the unapproved health district under this chapter and the 535
applicable rules adopted under it within the district or shall 536
contract with an approved health district to conduct those duties 537
until the unapproved district is placed on or returned to the 538
approved list. The director or the contracting district shall have 539
within the unapproved district the authority to exercise powers 540
and perform duties granted to or imposed on the board under this 541
chapter and the applicable rules adopted under it. 542

Until the unapproved district is placed on or returned to the 543
approved list, the director or the contracting district shall 544
collect all fees payable to the board of health under this chapter 545
and all such fees previously paid to the unapproved district that 546
have not been expended or encumbered. The director shall deposit 547
those fees in the state treasury to the credit of a special fund, 548
which is hereby created, to be used by the director for the 549
purpose of carrying out the duties of the unapproved health 550
district under this chapter and the applicable rules adopted under 551
it. A contracting district shall deposit those fees to the credit 552
of its fund created under section 3718.06 of the Revised Code to 553
be used by the district for the purpose of carrying out the duties 554
of the unapproved district under this chapter and the applicable 555
rules adopted under it. The director or contracting district shall 556
repay to the unapproved district any balance remaining in the 557
applicable fund from all sources when the unapproved district is 558
placed on or returned to the approved list by the director. 559

Sec. 3718.09. No person shall violate this chapter, any rule 560
adopted or order issued under it, or any condition of a 561
registration or permit issued under rules adopted under it. 562

Sec. 3718.10. (A) A board of health may issue, modify, 563
suspend, or revoke enforcement orders to a registration or permit 564
holder or other person directing the holder or person to abate a 565
violation of this chapter, any rule adopted or order issued under 566
it, or a condition of a registration or permit issued under it 567
within a specified, reasonable time. If an order issued under this 568
division is neglected or disregarded, the applicable board of 569
health may proceed in accordance with section 3707.02 of the 570
Revised Code. 571

(B) The health commissioner or the commissioner's designated 572

representative, without prior notice or hearing and in accordance
with the rules of the public health council, may issue an
emergency order requiring any action necessary to meet a public
health emergency regarding domestic septage management or
regarding a household sewage treatment system. A person to whom
such an emergency order is issued immediately shall comply with
the order. A person so ordered may apply to the issuer of the
order for a hearing, which shall be held as soon as possible, but
not later than twenty days after the issuer's receipt of the
application for a hearing.

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Sec. 3718.11. (A) The prosecuting attorney of the county or
the city director of law, village solicitor, or other chief legal
officer of the municipal corporation where a violation has
occurred or is occurring, upon complaint of the director of health
or a board of health, shall prosecute to termination or bring an
action for injunction or other appropriate relief against any
person who is violating or has violated this chapter, any rule
adopted or order issued under it, or any condition of a
registration or permit issued under rules adopted under it. The
court of common pleas or the municipal or county court in which an
action for injunction is filed has jurisdiction to grant such
relief upon a showing that the respondent named in the complaint
is or was in violation of the chapter or rules, orders, or
conditions.

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Upon finding that a person has violated this chapter, a rule
adopted or order issued under it, or any condition of a
registration or permit issued under rules adopted under it, the
court may assess a civil penalty of not more than one thousand
dollars for each day of violation against the person. Seventy-five
per cent of any penalties assessed by the court under this
division shall be transferred to the health district whose board

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of health brought the complaint and shall be used for the purposes
of this chapter and the rules adopted under it. Twenty-five per
cent of any penalties assessed by the court under this division
shall be transferred to the prosecuting attorney of the county or
city director of law, village solicitor, or other chief legal
officer of the municipal corporation that prosecuted or brought
the action under this division to pay the expenses incurred in
bringing the action.

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(B) The remedies provided in this chapter are in addition to
any other remedies available under law.

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Sec. 3718.99. Whoever purposely violates section 3718.09 of
the Revised Code shall be fined not more than one thousand
dollars. Each day of violation is a separate offense. All money
collected from fines under this section shall be used to
administer and enforce this chapter and rules adopted under it and
shall be deposited as follows:

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(A) If the violation occurred within a health district that
is approved under section 3718.08 of the Revised Code, the money
shall be deposited to the credit of the district's special fund
created under section 3718.06 of the Revised Code.

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(B) If the violation occurred within a health district that
is not approved under section 3718.08 of the Revised Code and a
contracting district is carrying out the duties of the unapproved
health district in accordance with that section, the money shall
be deposited to the credit of the contracting district's special
fund created under section 3718.06 of the Revised Code.

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(C) If the violation occurred within an unapproved health
district and the director of health is carrying out the duties of
the unapproved health district in accordance with section 3718.08
of the Revised Code, the money shall be deposited in the state

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treasury to the credit of the special fund created in that 634
section. 635

Sec. 4736.01. As used in this chapter: 636

(A) "Environmental health science" means the aspect of public 637
health science that includes, but is not limited to, the following 638
bodies of knowledge: air quality, food quality and protection, 639
hazardous and toxic substances, consumer product safety, housing, 640
institutional health and safety, community noise control, 641
radiation protection, recreational facilities, solid and liquid 642
waste management, vector control, drinking water quality, milk 643
sanitation, and rabies control. 644

(B) "Sanitarian" means a person who performs for compensation 645
educational, investigational, technical, or administrative duties 646
requiring specialized knowledge and skills in the field of 647
environmental health science. 648

(C) "Registered sanitarian" means a person who is registered 649
as a sanitarian in accordance with ~~Chapter 4736. of the Revised~~ 650
~~Code~~ this chapter. 651

(D) "Sanitarian-in-training" means a person who is registered 652
as a sanitarian-in-training in accordance with ~~Chapter 4736. of~~ 653
~~the Revised Code~~ this chapter. 654

(E) "Practice of environmental health" means consultation, 655
instruction, investigation, inspection, or evaluation by an 656
employee of a city health district, a general health district, the 657
~~Ohio~~ environmental protection agency, the department of health, or 658
the department of agriculture requiring specialized knowledge, 659
training, and experience in the field of environmental health 660
science, with the primary purpose of improving or conducting 661
administration or enforcement under any of the following: 662

(1) Chapter 911., 913., 917., 3717., 3718., 3721., or 3733. 663

of the Revised Code; 664

(2) Chapter 3734. of the Revised Code as it pertains to solid 665
waste; 666

(3) Section 955.26, 3701.344, 3707.01, or 3707.03, sections 667
3707.33 to 3707.99, or section 3715.21 of the Revised Code; 668

(4) Rules adopted under section 3701.34 of the Revised Code 669
pertaining to ~~home-sewer~~, rabies control, or swimming pools. 670

"Practice of environmental health" does not include sampling, 671
testing, controlling of vectors, reporting of observations, or 672
other duties that do not require application of specialized 673
knowledge and skills in environmental health science performed 674
under the supervision of a registered sanitarian. 675

The state board of sanitarian registration may further define 676
environmental health science in relation to specific functions in 677
the practice of environmental health through rules adopted by the 678
board under Chapter 119. of the Revised Code. 679

Sec. 5302.30. (A) As used in this section: 680

(1) "Good faith" means honesty in fact in a transaction 681
involving the transfer of residential real property. 682

(2) "Land installment contract" has the same meaning as in 683
section 5313.01 of the Revised Code. 684

(3) "Political subdivision" and "state" have the same 685
meanings as in section 2744.01 of the Revised Code. 686

(4) "Residential real property" means real property that is 687
improved by a building or other structure that has one to four 688
dwelling units. 689

(B)(1) Except as provided in division (B)(2) of this section, 690
this section applies to any transfer of residential real property 691
that occurs on or after July 1, 1993, by sale, land installment 692

contract, lease with option to purchase, exchange, or lease for a 693
term of ninety-nine years and renewable forever. For purposes of 694
this section, a transfer occurs when the initial contract for 695
transfer is executed, regardless of when legal title is 696
transferred, and references in this section to transfer offers and 697
transfer agreements refer to offers and agreements in respect of 698
the initial contract for transfer. 699

(2) This section does not apply to any transfer of 700
residential real property that is any of the following: 701

(a) A transfer pursuant to court order, including, but not 702
limited to, a transfer ordered by a probate court during the 703
administration of a decedent's estate, a transfer pursuant to a 704
writ of execution, a transfer by a trustee in bankruptcy, a 705
transfer as a result of the exercise of the power of eminent 706
domain, and a transfer that results from a decree for specific 707
performance of a contract or other agreement between persons; 708

(b) A transfer to a mortgagee by a mortgagor by deed in lieu 709
of foreclosure or in satisfaction of the mortgage debt; 710

(c) A transfer to a beneficiary of a deed of trust by a 711
trustor in default; 712

(d) A transfer by a foreclosure sale that follows a default 713
in the satisfaction of an obligation secured by a mortgage; 714

(e) A transfer by a sale under a power of sale following a 715
default in the satisfaction of an obligation that is secured by a 716
deed of trust or another instrument containing a power of sale; 717

(f) A transfer by a mortgagee, or a beneficiary under a deed 718
of trust, who has acquired the residential real property at a sale 719
conducted pursuant to a power of sale under a mortgage or a deed 720
of trust or who has acquired the residential real property by a 721
deed in lieu of foreclosure; 722

(g) A transfer by a fiduciary in the course of the administration of a decedent's estate, a guardianship, a conservatorship, or a trust;

(h) A transfer from one co-owner to one or more other co-owners;

(i) A transfer made to the transferor's spouse or to one or more persons in the lineal line of consanguinity of one or more of the transferors;

(j) A transfer between spouses or former spouses as a result of a decree of divorce, dissolution of marriage, annulment, or legal separation or as a result of a property settlement agreement incidental to a decree of divorce, dissolution of marriage, annulment, or legal separation;

(k) A transfer to or from the state, a political subdivision of the state, or another governmental entity;

(l) A transfer that involves newly constructed residential real property that previously has not been inhabited;

(m) A transfer to a transferee who has occupied the property as a personal residence for one or more years immediately prior to the transfer;

(n) A transfer from a transferor who both has not occupied the property as a personal residence within one year immediately prior to the transfer and has acquired the property through inheritance or devise.

(C) Except as provided in division (B)(2) of this section and subject to divisions (E) and (F) of this section, every person who intends to transfer any residential real property on or after July 1, 1993, by sale, land installment contract, lease with option to purchase, exchange, or lease for a term of ninety-nine years and renewable forever shall complete all applicable items in a

property disclosure form prescribed under division (D)(1) of this 753
section and shall deliver in accordance with division (I) of this 754
section a signed and dated copy of the completed form and, if 755
applicable, information on the operation and maintenance of a 756
household sewage treatment system as prescribed under division 757
(D)(2) of this section to each prospective transferee or ~~his~~ 758
prospective transferee's agent as soon as is practicable. 759

(D)(1) Prior to July 1, 1993, the director of commerce, by 760
rule adopted in accordance with Chapter 119. of the Revised Code, 761
shall prescribe the disclosure form to be completed by 762
transferors. The form prescribed by the director shall be designed 763
to permit the transferor to disclose material matters relating to 764
the physical condition of the property to be transferred, 765
including, but not limited to, the source of water supply to the 766
property; the nature of the sewer system serving the property; the 767
condition of the structure of the property, including the roof, 768
foundation, walls, and floors; the presence of hazardous materials 769
or substances, including lead-based paint, asbestos, 770
urea-formaldehyde foam insulation, and radon gas; and any material 771
defects in the property that are within the actual knowledge of 772
the transferor. 773

The form also shall set forth a statement of the purpose of 774
the form, including statements substantially similar to the 775
following: that the form constitutes a statement of the conditions 776
of the property and of information concerning the property 777
actually known by the transferor; that, unless the transferee is 778
otherwise advised in writing, the transferor, other than having 779
lived at or owning the property, possesses no greater knowledge 780
than that which could be obtained by a careful inspection of the 781
property by a potential transferee; that the statement is not a 782
warranty of any kind by the transferor or by any agent or subagent 783
representing the transferor in this transaction; that the 784

statement is not a substitute for any inspections; that the 785
transferee is encouraged to obtain ~~his/her~~ the transferee's own 786
professional inspection; that the representations are made by the 787
transferor and are not the representations of the transferor's 788
agent or subagent; and that the form and the representations 789
contained therein are provided by the transferor exclusively to 790
potential transferees in a transfer made by the transferor, and 791
are not made to transferees in any subsequent transfers. 792

The form shall include instructions to the transferor for 793
completing the form, space in which the transferor or transferors 794
shall sign and date the form, and space in which the transferee or 795
transferees shall sign and date the form acknowledging receipt of 796
a copy of the form, acknowledging receipt of information on the 797
operation and maintenance of a household sewage treatment system, 798
if applicable, and stating that the transferee or transferees 799
understand the purpose of the form as stated thereon. 800

(2) If the real property to be transferred is served by a 801
household sewage treatment system, the transferor of the property 802
shall provide to the transferee, in addition to the disclosure 803
form, information on the operation and maintenance of the system 804
serving the property. The information may be obtained from the 805
department of health, a board of health, or, if available, the 806
manufacturer of the system as provided in Chapter 3718. of the 807
Revised Code and rules adopted under it. 808

As used in this section, "household sewage treatment system" 809
has the same meaning as in section 3718.01 of the Revised Code. 810

(E)(1) Each disclosure of an item of information that is 811
required to be made in the property disclosure form and, if 812
applicable, information on the operation and maintenance of a 813
household sewage treatment system prescribed under division (D) of 814
this section in connection with particular residential real 815
property and each act that may be performed in making any 816

disclosure of an item of information shall be made or performed in 817
good faith. 818

(2) If an item of information is unknown to the transferor of 819
residential real property at the time the item is required to be 820
disclosed in the property disclosure form or, if applicable, 821
information on the operation and maintenance of a household sewage 822
treatment system is unknown to the transferor at that time, and if 823
the approximation is not used for the purpose of circumventing or 824
otherwise evading divisions (C) and (D) of this section, the 825
transferor may make a good faith approximation of the item of 826
information. 827

(F)(1) A transferor of residential real property is not 828
liable in damages in a civil action for injury, death, or loss to 829
person or property that allegedly arises from any error in, 830
inaccuracy of, or omission of any item of information required to 831
be disclosed in the property disclosure form, and, if applicable, 832
any error in, inaccuracy of, or omission of information required 833
concerning the operation and maintenance of a household sewage 834
treatment system, if the error, inaccuracy, or omission was not 835
within the transferor's actual knowledge. 836

(2) If any item of information that is disclosed in the 837
property disclosure form or, if applicable, information on the 838
operation and maintenance of a household sewage treatment system 839
is rendered inaccurate after the delivery of the form to the 840
transferee of residential real property or ~~his~~ the transferee's 841
agent as a result of any act, occurrence, or agreement, the 842
subsequent inaccuracy does not cause, and shall not be construed 843
as causing, the transferor of the residential real property to be 844
in noncompliance with the requirements of divisions (C) and (D) of 845
this section. 846

(G) Any disclosure of an item of information in the property 847
disclosure form or information on the operation and maintenance of 848

a household sewage treatment system prescribed under division (D) 849
of this section may be amended in writing by the transferor of 850
residential real property at any time following the delivery of 851
the form and, if applicable, the information on the operation and 852
maintenance of a household sewage treatment system in accordance 853
with divisions (C) and (I) of this section. The amendment shall be 854
subject to ~~the provisions of~~ this section. 855

(H) Except as provided in division (B)(2) of this section, 856
every prospective transferee of residential real property who 857
receives in accordance with division (C) of this section a signed 858
and dated copy of a completed property disclosure form and, if 859
applicable, information on the operation and maintenance of a 860
household sewage treatment system as prescribed under division (D) 861
of this section shall acknowledge ~~his~~ receipt of the form and, if 862
applicable, information on the operation and maintenance of a 863
household sewage treatment system by doing both of the following: 864

(1) Signing and dating a copy of the form; 865

(2) Delivering a signed and dated copy of the form to the 866
transferor or ~~his~~ the transferor's agent or subagent. 867

(I) The transferor's delivery under division (C) of this 868
section of a property disclosure form and, if applicable, 869
information on the operation and maintenance of a household sewage 870
treatment system as prescribed under division (D) of this section 871
and the prospective transferee's delivery under division (H) of 872
this section of an acknowledgment of ~~his~~ receipt of that form and, 873
if applicable, information on the operation and maintenance of a 874
household sewage treatment system shall be made by personal 875
delivery to the other party or ~~his~~ the other party's agent or 876
subagent, by ordinary mail or certified mail, return receipt 877
requested, or by facsimile transmission. For the purposes of the 878
delivery requirements of this section, the delivery of a property 879
disclosure form or, if applicable, information on the operation 880

and maintenance of a household sewage treatment system to a 881
prospective co-transferee of residential real property or ~~his~~ a 882
prospective co-transferee's agent shall be considered delivery to 883
the other prospective transferees unless otherwise provided by 884
contract. 885

(J) The specification of items of information that must be 886
disclosed in the property disclosure form as prescribed under 887
division (D)(1) of this section does not limit or abridge, and 888
shall not be construed as limiting or abridging, any obligation to 889
disclose an item of information that is created by any other 890
provision of the Revised Code or the common law of this state or 891
that may exist in order to preclude fraud, either by 892
misrepresentation, concealment, or nondisclosure in a transaction 893
involving the transfer of residential real property. The 894
disclosure requirements of this section do not bar, and shall not 895
be construed as barring, the application of any legal or equitable 896
defense that a transferor of residential real property may assert 897
in a civil action commenced against the transferor by a 898
prospective or actual transferee of that property. 899

(K)(1) Except as provided in division (K)(2) of this section, 900
but subject to divisions (J) and (L) of this section, a transfer 901
of residential real property that is subject to this section shall 902
not be invalidated because of the failure of the transferor to 903
provide to the transferee in accordance with division (C) of this 904
section a completed property disclosure form or, if applicable, 905
information on the operation and maintenance of a household sewage 906
treatment system as prescribed under division (D) of this section. 907

(2) Subject to division (K)(3)(c) of this section, if a 908
transferee of residential real property that is subject to this 909
section receives a property disclosure form or an amendment of 910
that form or, if applicable, information on the operation and 911
maintenance of a household sewage treatment system or an amendment 912

of that information as described in division (G) of this section 913
after the transferee has entered into a transfer agreement with 914
respect to the property, the transferee, after ~~his~~ receipt of the 915
form, information, if applicable, on the operation and maintenance 916
of a household sewage treatment system, or an amendment of either, 917
may rescind the transfer agreement in a written, signed, and dated 918
document that is delivered to the transferor or ~~his~~ the 919
transferor's agent or subagent in accordance with divisions 920
(K)(3)(a) and (b) of this section, without incurring any legal 921
liability to the transferor because of the rescission, including, 922
but not limited to, a civil action for specific performance of the 923
transfer agreement. Upon the rescission of the transfer agreement, 924
the transferee is entitled to the return of, and the transferor 925
shall return, any deposits made by the transferee in connection 926
with the proposed transfer of the residential real property. 927

(3)(a) Subject to division (K)(3)(b) of this section, a 928
rescission of a transfer agreement under division (K)(2) of this 929
section only may occur if the transferee's written, signed, and 930
dated document of rescission is delivered to the transferor or ~~his~~ 931
the transferor's agent or subagent within three business days 932
following the date on which the transferee or ~~his~~ the transferee's 933
agent receives the property disclosure form and, if applicable, 934
information on the operation and maintenance of a household sewage 935
treatment system prescribed under division (D) of this section or 936
the amendment of that form or, if applicable, information on the 937
operation and maintenance of a household sewage treatment system 938
as described in division (G) of this section. 939

(b) A transferee may not rescind a transfer agreement under 940
division (K)(2) of this section unless ~~he~~ the transferee rescinds 941
the transfer agreement by the earlier of the date that is thirty 942
days after the date upon which the transferor accepted the 943
transferee's transfer offer or the date of the closing of the 944

transfer of the residential real property. 945

(c) A transferee of residential real property may waive the 946
right of rescission of a transfer agreement described in division 947
(K)(2) of this section. 948

(d) A rescission of a transfer agreement is not permissible 949
under division (K)(2) of this section if a transferee of 950
residential real property that is subject to this section receives 951
a property disclosure form and, if applicable, information on the 952
operation and maintenance of a household sewage treatment system 953
as prescribed under division (D) of this section or an amendment 954
of that form or, if applicable, information on the operation and 955
maintenance of a household sewage treatment system as described in 956
division (G) of this section prior to the transferee's submission 957
to the transferor or ~~his~~ the transferor's agent or subagent of a 958
transfer offer and the transferee's entry into a transfer 959
agreement with respect to the property. 960

(4) If a transferee of residential real property subject to 961
this section does not receive a property disclosure form and, if 962
applicable, information on the operation and maintenance of a 963
household sewage treatment system from the transferor after the 964
transferee has submitted to the transferor or ~~his~~ the transferor's 965
agent or subagent a transfer offer and has entered into a transfer 966
agreement with respect to the property, the transferee may rescind 967
the transfer agreement in a written, signed, and dated document 968
that is delivered to the transferor or ~~his~~ the transferor's agent 969
or subagent in accordance with division (K)(4) of this paragraph, 970
section without incurring any legal liability to the transferor 971
because of the rescission, including, but not limited to, a civil 972
action for specific performance of the transfer agreement. Upon 973
the rescission of the transfer agreement, the transferee is 974
entitled to the return of, and the transferor shall return, any 975
deposits made by the transferee in connection with the proposed 976

transfer of the residential real property. A transferee may not 977
rescind a transfer agreement under division (K)(4) of this 978
~~paragraph section~~ unless ~~he~~ the transferee rescinds the transfer 979
agreement by the earlier of the date that is thirty days after the 980
date upon which the transferor accepted the transferee's transfer 981
offer or the date of the closing of the transfer of the 982
residential real property. 983

(L) The right of rescission of a transfer agreement described 984
in division (K)(2) of this section or the absence of that right 985
does not affect, and shall not be construed as affecting, any 986
other legal causes of action or other remedies that a transferee 987
or prospective transferee of residential real property may possess 988
against the transferor of that property. 989

Sec. 6111.04. (A) Both of the following apply except as 990
otherwise provided in division (A) or (F) of this section: 991

(1) No person shall cause pollution or place or cause to be 992
placed any sewage, sludge, sludge materials, industrial waste, or 993
other wastes in a location where they cause pollution of any 994
waters of the state. 995

(2) Such an action prohibited under division (A)(1) of this 996
section is hereby declared to be a public nuisance. 997

Divisions (A)(1) and (2) of this section do not apply if the 998
person causing pollution or placing or causing to be placed wastes 999
in a location in which they cause pollution of any waters of the 1000
state holds a valid, unexpired permit, or renewal of a permit, 1001
governing the causing or placement as provided in sections 6111.01 1002
to 6111.08 of the Revised Code or if the person's application for 1003
renewal of such a permit is pending. 1004

(B) If the director administers a sludge management program 1005
pursuant to division (S) of section 6111.03 of the Revised Code, 1006

both of the following apply except as otherwise provided in 1007
division (B) or (F) of this section: 1008

(1) No person, in the course of sludge management, shall 1009
place on land located in the state or release into the air of the 1010
state any sludge or sludge materials. 1011

(2) An action prohibited under division (B)(1) of this 1012
section is hereby declared to be a public nuisance. 1013

Divisions (B)(1) and (2) of this section do not apply if the 1014
person placing or releasing the sludge or sludge materials holds a 1015
valid, unexpired permit, or renewal of a permit, governing the 1016
placement or release as provided in sections 6111.01 to 6111.08 of 1017
the Revised Code or if the person's application for renewal of 1018
such a permit is pending. 1019

(C) No person to whom a permit has been issued shall place or 1020
discharge, or cause to be placed or discharged, in any waters of 1021
the state any sewage, sludge, sludge materials, industrial waste, 1022
or other wastes in excess of the permissive discharges specified 1023
under an existing permit without first receiving a permit from the 1024
director to do so. 1025

(D) No person to whom a sludge management permit has been 1026
issued shall place on the land or release into the air of the 1027
state any sludge or sludge materials in excess of the permissive 1028
amounts specified under the existing sludge management permit 1029
without first receiving a modification of the existing sludge 1030
management permit or a new sludge management permit to do so from 1031
the director. 1032

(E) The director may require the submission of plans, 1033
specifications, and other information that the director considers 1034
relevant in connection with the issuance of permits. 1035

(F) This section does not apply to any of the following: 1036

(1) Waters used in washing sand, gravel, other aggregates, or mineral products when the washing and the ultimate disposal of the water used in the washing, including any sewage, industrial waste, or other wastes contained in the waters, are entirely confined to the land under the control of the person engaged in the recovery and processing of the sand, gravel, other aggregates, or mineral products and do not result in the pollution of waters of the state;

(2) Water, gas, or other material injected into a well to facilitate, or that is incidental to, the production of oil, gas, artificial brine, or water derived in association with oil or gas production and disposed of in a well, in compliance with a permit issued under Chapter 1509. of the Revised Code, or sewage, industrial waste, or other wastes injected into a well in compliance with an injection well operating permit. Division (F)(2) of this section does not authorize, without a permit, any discharge that is prohibited by, or for which a permit is required by, regulation of the United States environmental protection agency.

(3) Application of any materials to land for agricultural purposes or runoff of the materials from that application or pollution by animal waste or soil sediment, including attached substances, resulting from farming, silvicultural, or earthmoving activities regulated by Chapter 307. or 1515. of the Revised Code;

(4) The excrement of domestic and farm animals defecated on land or runoff therefrom into any waters of the state;

(5) On and after the date on which the United States environmental protection agency approves the NPDES program submitted by the director of agriculture under section 903.08 of the Revised Code, storm water from an animal feeding facility, as defined in section 903.01 of the Revised Code, or manure, as

defined in that section; 1068

(6) The discharge of sewage, industrial waste, or other 1069
wastes into a sewerage system tributary to a treatment works. 1070
Division (F)~~(5)~~(6) of this section does not authorize any 1071
discharge into a publicly owned treatment works in violation of a 1072
pretreatment program applicable to the publicly owned treatment 1073
works. 1074

(7) Septic tanks or any other disposal systems for the 1075
disposal or treatment of sewage ~~from single family, two family, or~~ 1076
~~three family dwellings~~ that are installed on a single parcel of 1077
land in compliance with the sanitary code and section 3707.01 of 1078
the Revised Code and that receive not more than two thousand five 1079
hundred gallons of sewage per day. Division (F)~~(6)~~(7) of this 1080
section does not authorize, without a permit, any discharge that 1081
is prohibited by, or for which a permit is required by, regulation 1082
of the United States environmental protection agency. 1083

(8) Exceptional quality sludge generated outside of this 1084
state and contained in bags or other containers not greater than 1085
one hundred pounds in capacity. As used in division (F)~~(7)~~(8) of 1086
this section, "exceptional quality sludge" has the same meaning as 1087
in division (Y) of section 3745.11 of the Revised Code. 1088

(G) The holder of a permit issued under section 402 (a) of 1089
the Federal Water Pollution Control Act need not obtain a permit 1090
for a discharge authorized by the permit until its expiration 1091
date. The director shall administer and enforce those permits 1092
within this state and may modify their terms and conditions in 1093
accordance with division (J) of section 6111.03 of the Revised 1094
Code. 1095

Section 2. That existing sections 319.281, 521.01, 3709.085, 1096
3709.09, 3709.091, 4736.01, 5302.30, and 6111.04 of the Revised 1097
Code are hereby repealed. 1098

Section 3. Chapter 3701.29 of the Ohio Administrative Code 1099
shall remain in effect as it existed on the effective date of this 1100
act until it is superseded by the rules that are required to be 1101
adopted under section 3718.02 of the Revised Code as enacted by 1102
this act. 1103

Section 4. Section 3709.085 of the Revised Code is presented 1104
in this act as a composite of the section as amended by both Am. 1105
Sub. H.B. 197 and S.B. 198 of the 123rd General Assembly. The 1106
General Assembly, applying the principle stated in division (B) of 1107
section 1.52 of the Revised Code that amendments are to be 1108
harmonized if reasonably capable of simultaneous operation, finds 1109
that the composite is the resulting version of the section in 1110
effect prior to the effective date of the section as presented in 1111
this act. 1112